THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 26297 of 2006

Date: 27.12.2006

Between:

G. Krishna Murthy.

..... PETITIONER

AND

The Superintending Engineer,
A.P. Northern Power Distribution Co. Ltd.,
Khammam and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 26297 of 2006

Order:

By this writ petition, the petitioner seeks to direct the respondent-APNPDCL to treat his appointment as Helper from 1985 instead of 1993, by taking the service rendered by him as Ex-Casual Labour, and fix the seniority with all consequential benefits by disposing of the representation dated 25.10.2006, filed in reply to the revised seniority list dated 08.01.2006.

The petitioner states that earlier he worked as Casual Labour in the respondent-APNPDCL, and when his case was not considered for absorption, he filed W.P. No. 12262 of 1992, and in pursuance of the orders passed by this Court in that Writ Petition No. 12262 of 1992, dated 24.09.1992, his case was considered and he was appointed as Helper in the year 1993. Now the case of the petitioner is that similarly situated persons, who are juniors to him and worked as Casual Labour, were appointed as Helpers in the year 1983 and though he is also legally and legitimately entitled to be considered as Helper in the year 1983 itself, because of the arbitrary action of the respondent-APNPDCL, whereby without verifying the records driven him to this Court for the purpose of appointment, he lost number of years of service. His further case is that though he made representation on 25.10.2006 seeking to treat his appointment as Helper from 1985 instead of 1993, by taking the service rendered by him as Ex-Casual Labour, and fix his seniority, the respondent-APNPDCL has not taken any action so far. Hence, he filed the present writ petition.

When the matter came up for admission on 20.12.2006, this Court

passed the following order:

> "The grievance of the petitioner in this writ petition is that in pursuance of the orders of this Court, the respondent-APNPDCL, vide memo dated 21.01.2006, communicated the revised seniority list of junior Linemen, in which cadre the petitioner is also working, calling for objections/discrepancies to the said seniority list, and according to the petitioner, he has submitted his explanation to the said seniority list, but so far the respondent-APNPDCL have not considered the same.
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> The petitioner neither filed any such explanation copy nor produced any material before this Court to show that he has raised any objection or submitted his explanation to the said show cause notice. The petitioner filed copy of seniority list of junior linemen of operation division, Khammam as on 31.08.2005, stating that his name is not found in the final seniority list. The petitioner is not sure whether the said list is final seniority list or not. It is his oral contention that it is the final seniority list.
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> In the circumstances, to verify the facts, the 2nd respondent is directed to appear in-person before this Court on 27.12.2006 along with relevant material i.e., the objections, if any, submitted by the petitioner to the said show cause notice and the final seniority list, if any, passed by him.
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> List the matter for appearance and for orders on 27.12.2006."

Today, when the matter is taken up, the Divisional Engineer concerned has appeared in-person and produced relevant record. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-APNPDCL.

A perusal of the record produced by the Divisional Engineer of the respondent-APNPDCL clearly shows that on 12.09.2005 a draft provisional seniority list of Junior Linemen was prepared by the respondents, and after taking into consideration the objections raised by the persons in the said list, again a revised provisional seniority list was prepared on 21.01.2006 and granted some more time calling for objections, if any. Since no objections have been received from anybody, final seniority list was published on 31.03.2006. The petitioner neither made any representation nor raised any objection to any one of the said seniority lists. So, the seniority list published on

31.03.2006 became final. Thereafter, the respondent-APNPDCL once again issued another provisional seniority list of Junior Linemen as on 25.11.2006 to consider their cases for further promotions and granted 15 days time to submit their objections/discrepancies, if any. According to the petitioner as well as the respondent-APNPDCL, the respondent-APNPDCL has not received any objections from the petitioner.

Since the petitioner neither submitted any representation nor raised any objection to any one of the seniority lists published by the respondent-APNPDCL on 12.09.2005, 21.01.2006 and 31.03.2006 respectively, now he cannot be allowed to claim that his seniority has to be counted from the year 1985 onwards by taking the service rendered by him as Ex-Casual Labour, more so when he was appointed as Helper in the year 1993 pursuant to the orders of this Court.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 27.12.2006
ISL/Nsr